

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

American Federation of Government
Employees, et al.,

Plaintiffs,

v.

United States Office of Personnel
Management, et al.,

Defendants.

Case No. 3:25-cv-1780

SECOND SUPPLEMENTAL DECLARATION OF ANNE BYRD

Pursuant to 28 U.S.C. § 1746, I, Anne Byrd, declare as follows:

1. I am the Assistant Secretary for Administration for the United States Department of Transportation (“DOT”), which is headquartered in Washington, D.C. I make this Declaration based on my own personal knowledge, on information contained in DOT records, or on information provided to me by DOT employees.

2. I have served in this position since February 25, 2025. In my role at DOT, I serve as DOT’s Chief Human Capital Officer pursuant to Secretarial delegation. 49 C.F.R. § 1.38. I am responsible for personnel management. I have the responsibility for overseeing the personnel enterprise and tracking and recording of personnel actions, including terminations. I assist in ensuring that all personnel actions comply with federal law, including those related to probationary employees. Prior to my appointment, I served as a Senior Advisor to the Secretary of Transportation since February 3, 2025.

3. I make this declaration pursuant to the Order on Cross-Motions for Summary Judgment issued in the above-captioned matter on September 12, 2025 (the “September 12 Order”).

4. Between February 14 and 24, 2025, DOT terminated approximately 786 probationary employees using a notice template provided by the U.S. Office of Personnel Management or a variation thereof. Pursuant to a court order issued in another case, these employees were reinstated on March 17, 2025, except for those whose terminations had been rescinded or who had resigned.

5. Prior to issuance of the September 12 Order, DOT updated the personnel files of each employee referenced above to reflect that their termination was not performance or conduct based. Specifically, DOT did so by removing any documents, including SF-50s, used to effectuate each employee’s termination described above. DOT did not conduct any later terminations of probationary employees made retroactive to the date of the first, as described in the September 12 Order.

6. In accordance with the September 12 Order, DOT has issued a corrective notice to each employee referenced above informing each employee that “you were not terminated on the basis of your personal performance” and explaining that DOT has updated the employee’s personnel file. DOT sent the notices via email or mail to each employee’s last known email or mail address, depending on what contact information the employee provided DOT. An example of the corrective notice is attached to this declaration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 13, 2025

A handwritten signature in blue ink that reads "Anne Byrd". The signature is written in a cursive style with a large, stylized "A" and "B".

Anne Byrd



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

November 5, 2025

[REDACTED]

Dear [REDACTED]

This corrective notice is provided to you pursuant to an order issued on September 12, 2025, by the United States District Court for the Northern District of California in the case *American Federation of Government Employees v. U.S. Office of Personnel Management*, No. 3:25-cv-1780-WHA (N.D. Cal.).

As required by Paragraph 5 of the district court's order, the U.S. Department of Transportation (DOT) informs you that you were not terminated on the basis of your personal performance.

As required by Paragraph 3 of that order, DOT has updated your personnel file, including your SF-50, to reflect that your termination was not performance or conduct based by removing any documents that state otherwise. The SF-50 reflecting your prior termination has been removed from your personnel file.

Sincerely,

[REDACTED]

[REDACTED] Associate Director
Office of Human Resource Operations